

June 19, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07SN0342

Debonair Acres LLC

Matoaca Magisterial District  
Matoaca Elementary; Matoaca Middle; and Matoaca High Schools Attendance Zones  
South line of Graves Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-88) of 689.9 acres plus Conditional Use to permit residential stock farm (keeping of horses) on 100 acres of the 689.9 acres.

PROPOSED LAND USE:

A single family residential subdivision is planned where the keeping of horses within a common equestrian area is permitted. The average actual lots recorded in a Residential (R-88) District, utilizing public water and septic, is 0.36 units per acre, yielding approximately 248 dwelling units on 689.9 acres (without equestrian uses).

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acres lots (suitable to Residential (R-88) zoning), and residential use of 1.01 to 2.5 dwelling units per acre.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is

discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

- C. The proffered conditions for stock farms are consistent with those accepted on similar requests in the vicinity of existing and anticipated residential development and would lessen the potential impact of the stock farm use on area residents.

(NOTES: A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.

- B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDMENTS.)

### PROFFERED CONDITIONS

The Owner-Applicant in the zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Ids as reflected on the attached Schedule "A" (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-88 with a conditional use to permit a residential stock farm as set forth in the above heading and the application filed herein is granted. In the even the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
2. Utilities.
  - A) The required overall water system plan for the development shall be submitted to the Utilities Department for review and approval prior to approval of the first tentative subdivision plan for the development. The overall water system plan

shall be accompanied by a Water System Phasing Plan depicting the construction phasing for all new water infrastructure related to this development.

- B) Since this development is located within two water pressure zones, the developer shall extend water lines from both the 16" water line along River Road and from the 30" water line along Church Road, at locations and of a size to be approved by the Utilities Department. (U)
3. Cash Proffer. The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:
- a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
  - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.
  - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B & M)

4. Transportation.

Dedication.

In conjunction with recordation of the initial subdivision plat, prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the south side of Graves Road, measured from the centerline of that part of Graves Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

Vehicular Access.

- A) Direct vehicular access from the property to Graves Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department.
- B) No direct vehicular access from the property to Eanes Road shall be permitted except for access for emergency vehicles.

Road Improvements.

The developer shall provide the following road improvements with initial development of the property:

- A) Construct additional pavement along Graves Road at the approved access to provide left and right turn lanes.
- B) Dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the road improvements identified in this Proffered Condition. In the event the developer is unable to acquire the "off-site" right-of-way necessary for these road improvements, the developer may request, in writing, the county to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the county chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and shall only provide the road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)

5. Residential Stock Farm Use.

- a. Stock farm uses shall not occupy a cumulative area in excess of 100 acres, including riding trails.

- b. Any stock farm use shall be limited to the keeping of horses.
- c. Horse riding trails shall be permitted throughout the development.
- d. With the exception of riding trails, all equestrian uses shall be located a minimum of fifty (50) feet from adjacent properties to the development and from any existing or proposed public roads. This setback requirement may be modified by the Planning Commission at the time of plan review.
- e. Horse boarding facilities shall be permitted.
- f. The keeping of horses shall not be permitted on individual lots.
- g. All facilities and areas associated with the keeping of horses shall be cleaned and made free of waste on a regular basis. Methods shall be employed to eliminate any odor problems and the propagation of insects. (P)

#### GENERAL INFORMATION

##### Location:

South line of Graves Road, east of Sadberge Drive and the eastern terminus of Eanes Road. Tax IDs 760-618-9862; 761-617-5745; 762-616-3473; 762-618-7458; 763-616-9147; 764-616-8303; 764-617-4550; 766-616-8203; 766-618-4335; 767-617-2600 and 8276; 768-617-9663; 768-619-0903; 769-616-5571; 769-617-2708, 7874 and 9607; 769-618-9478; and 770-617-2262.

##### Existing Zoning:

A

##### Size:

689.9 acres

##### Existing Land Use:

Vacant

##### Adjacent Zoning and Land Use:

North and East – A; Single family residential or vacant  
South and West – R-12, R-15 and A; Single family residential or vacant

#### UTILITIES

### Public Water System:

The public water system is not immediately available to the request site. The request site lies within the Southern and Western Area Plan, and the use of the public water system is required by County Code. A sixteen (16) inch water line extends along the north side of River Road, approximately 4,200 feet south of the request site. In addition, a thirty (30) inch water line extends along the west side of Church Road, approximately 2,000 feet east of the request site. The request site is located within both the Graves Road Tank and Courthouse Tank pressure zones, and as such water line extensions from both the sixteen (16) inch and the thirty (30) inch lines will be necessary to develop the site. The applicant has proffered to extend these lines at locations and of sizes to be approved by the Utilities Department (Proffered Condition 2). The applicant has also proffered to submit the required overall water system plan for review and approval prior to approval of the first tentative subdivision plan for the development, along with a Water System Phasing Plan. (Proffered Condition 2)

### Public Wastewater System:

The public wastewater system is not available to serve the request site. The request site lies within the Southern and Western Area Plan. The majority of the request site is within the area of anticipated R-88 development for which the use of private septic systems is permitted. A small amount of the eastern portion of the request site is within the area anticipated for residential development at a density of 1.01 to 2.5 units per acre, and as such the use of the public wastewater system is required by County Code. The closest wastewater line that could serve this area is an eighteen (18) inch trunk sewer located approximately 17,800 feet east of the request site. The applicant desires to develop this area using septic systems, and would need to pursue an exception to the mandatory connection requirement from the Planning Commission through the tentative subdivision review process.

### Private Septic Systems:

Use of private septic tanks must be approved by the Health Department.

## ENVIRONMENTAL

### Drainage and Erosion:

The proposed zoning request drains to the south then north through tributaries to middle Swift Creek. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development.

Portions of the property are wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 1)

#### Water Quality:

A perennial stream traverses the property in two (2) locations and, as such, is subject to a 100 foot conservation area adjacent to the wetlands inside of which uses are very limited.

At the time of tentative subdivision plan review, staff will evaluate the location of the equestrian uses, including bridle path, relative to their proximity to the Resource Protection Area (RPA). The Chesapeake Bay Preservation Act (CBPA) Ordinance requires the 100 foot conservation buffers to remain natural where they exist and re-established where they do not.

### PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The residential portion of this development will have an impact on these facilities.

#### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 248 dwelling units, this request will generate approximately fifty-eight (58) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 3)

The Matoaca Fire Station, Company 8, and Ettrick Matoaca Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

The applicant has proffered that any access to Eanes Road will be for emergency vehicle use only (Proffered Condition 4). The Subdivision Ordinance requires the provision of a second public road access to all dwellings when the cumulative total of lots exceeds fifty (50). An emergency access road is not a substitute for a second public road access. As such, acceptance of this proffer does not relieve the development of this requirement.

#### Schools:

Approximately 131 (Elementary: 57, Middle: 32, and High: 42) students will be generated by this development. Currently, this site lies in the Matoaca Elementary

School attendance zone: capacity - 481, enrollment - 527; Matoaca Middle School zone: capacity – 1,415, enrollment - 1,058; and Matoaca High School zone: capacity - 1,594, enrollment - 1,681. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact on the elementary and high school levels. There are currently two (2) trailers at Matoaca Elementary and four (4) at Matoaca Middle.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 3)

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property noted in this case would most likely affect the Ettrick-Matoaca Library. The Plan identifies the need for additional library space in the Ettrick-Matoaca area. The applicant has addressed the impact of the development on libraries. (Proffered Condition 3)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to address the impact of this proposed development on the infrastructure needs of Parks and Recreation. (Proffered Condition 3)

#### Transportation:

The subject property (689.9 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-88) with a Conditional Use to permit a residential stock farm. Based on single-family trip rates, development could generate approximately 2,400 average daily trips. These vehicles will be initially distributed along Graves Road, which had a 2005 traffic count of 738 vehicles per day.

The Thoroughfare Plan identifies Graves Road as a collector with a recommended right-of-way width of seventy (70) feet. The applicant has proffered to dedicate thirty-five (35)



feet of right-of-way, measured from the centerline of Graves Road, in accordance with that Plan. (Proffered Condition 4)

The Thoroughfare Plan also identifies: 1) Eanes Road as a major arterial; 2) a proposed north/south major arterial (“Eanes Road Extended”) from Eanes Road extending through the subject property and across Graves Road; and 3) a proposed east/west major arterial from Church Road at the Little Road intersection extending through the subject property to River Road. These major arterials have a recommended right of way width of ninety (90) feet. The subject property comprises a large part of the area bounded by Graves Road, River Road and Church Road. The remaining part of this area has been developed into small subdivisions or subdivided into parcels. Due to the relatively low density proposed on the subject property and considering how this area has developed, staff supports elimination of both of the proposed north/south and east/west major arterials in this area. Without these Thoroughfare Plan roads, Graves Road, River Road and Church Road will need to accommodate traffic in this area.

Access to collectors, such as the Graves Road, should be controlled. The applicant has proffered that direct vehicular access from the property to Graves Road will be limited to one (1) public road. (Proffered Condition 4)

Eanes Road is a narrow roadway with poor alignment. Any development with access to Eanes Road would require substantial reconstruction of that road, including turn lanes along River Road. In addition, at the intersection of Eanes Road/River Road, sight distance is limited along River Road. River Road may need to be reconstructed to obtain adequate sight distance. All of these improvements would necessitate acquisition of “off-site” right-of-way. The applicant has proffered no direct vehicular access from the property to Eanes Road, except for emergency access. (Proffered Condition 4)

Several homes have been constructed between the subject property and Church Road. In order to construct these homes, variances for “no public road” frontage were obtained. As a requirement of the variances, rights-of-way were dedicated from Church Road to the various parcels. One (1) of these dedicated but unimproved (i.e., not in the State System) rights-of-way extends along part of the eastern boundary of the subject property. If access were provided via this right-of-way, the driveway within that right-of-way would need to be substantially upgraded to State standards, including turn lanes along Church Road. These improvements would necessitate acquisition of “off-site” right-of-way.

Included in the Subdivision Ordinance is the Planning Commission’s Stub Road Policy. The Policy suggests that subdivision streets anticipated to carry 1,500 VPD or more should be designed as “no-lot frontage” collector streets. It may be necessary to provide a residential collector street through part of the subject property. At time of tentative subdivision plat review, staff will evaluate the proposed street network and provide specific recommendations per the Stub Road Policy.

The traffic impact of this development must be addressed. The applicant has proffered that with initial development of the subject property left and right turn lanes will be

constructed along Eanes Road at the approved public road intersection (Proffered Condition 4).

Acquisition of “off-site” right-of-way will be necessary to construct the turn lanes along Eanes Road. According to Proffered Condition 4, if the developer needs “off-site” right-of-way for these proffered road improvements and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the “off-site” right-of-way, and will only be obligated to construct road improvements within available right-of-way. (Proffered Condition 4)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Graves Road, River Road and Church Road will be impacted by development of the property. Sections of these roads have nineteen (19) to twenty (20) foot wide pavement with no shoulders, and substandard horizontal and vertical curves. The capacities of these roads are acceptable for the low volume of traffic they currently carry (Graves Road - Level of Service B with a 2005 count of 738 VPD; River Road - Level of Service C with a 2006 count of 2,126 VPD; and Church Road - Level of Service B with a 2007 count of 1,253 VPD).

The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors’ Policy, towards mitigating the traffic impact of the development (Proffered Condition 3). Proffered Condition 3 would also allow, upon mutual agreement of the Transportation Department and the applicant, the applicant to provide road improvements equal to the cost of the transportation part of the payment(s). This option will be considered at time of tentative subdivision plat review.

As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Secondary Road Six-Year Improvement Plan.

At time of tentative subdivision plat review, specific recommendations will be provided regarding, among other things, access, the proposed internal street network and providing stub road rights-of way to adjacent properties.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	248*	1.00
Population Increase	674.56	2.72
Number of New Students		
Elementary	57.04	0.23
Middle	32.24	0.13

High	42.16	0.17
TOTAL	131.44	0.53
Net Cost for Schools	\$1,326,304	\$5,348
Net Cost for Parks	149,792	604
Net Cost for Libraries	86,552	349
Net Cost for Fire Stations	100,440	405
Average Net Cost for Roads	2,217,616	8,942
TOTAL NET COST	\$3,880,704	\$15,648

\*Based on an average actual yield of 0.36 units on 689.9 acres. The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculate the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 3)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Plan which suggests the majority of the property is appropriate for residential use of 1 – 5 acre lots (suitable to Residential (R-88) zoning), with the eastern portion of the property being appropriate for residential use of 1.01 to 2.5 dwelling units per acre.

#### Area Development Trends:

Area properties are zoned Agricultural (A) and are occupied by single family residences on acreage parcels or remain vacant, or are zoned Residential (R-12 and R-15) and are developed as part of the Hunters Green and Grayson Estates Subdivisions. Residential development at densities consistent with the Plan is expected to continue in this area.

#### Density:

No specific density has been proffered. The average actual lots recorded in a Residential (R-88) District, utilizing public water and septic, is 0.41 units per acre, yielding approximately 248 dwelling units on 689.9 acres (without equestrian uses).

#### Equestrian Uses:

Proffered Condition 5 limits the stock farm use to the keeping of horses on a maximum of 100 acres of the proposed development. The horses would be maintained within an equestrian common area, but not on individual lots. This proffer also addresses facility setbacks and maintenance to minimize any potential impact of the stock farm use on existing and anticipated residential development

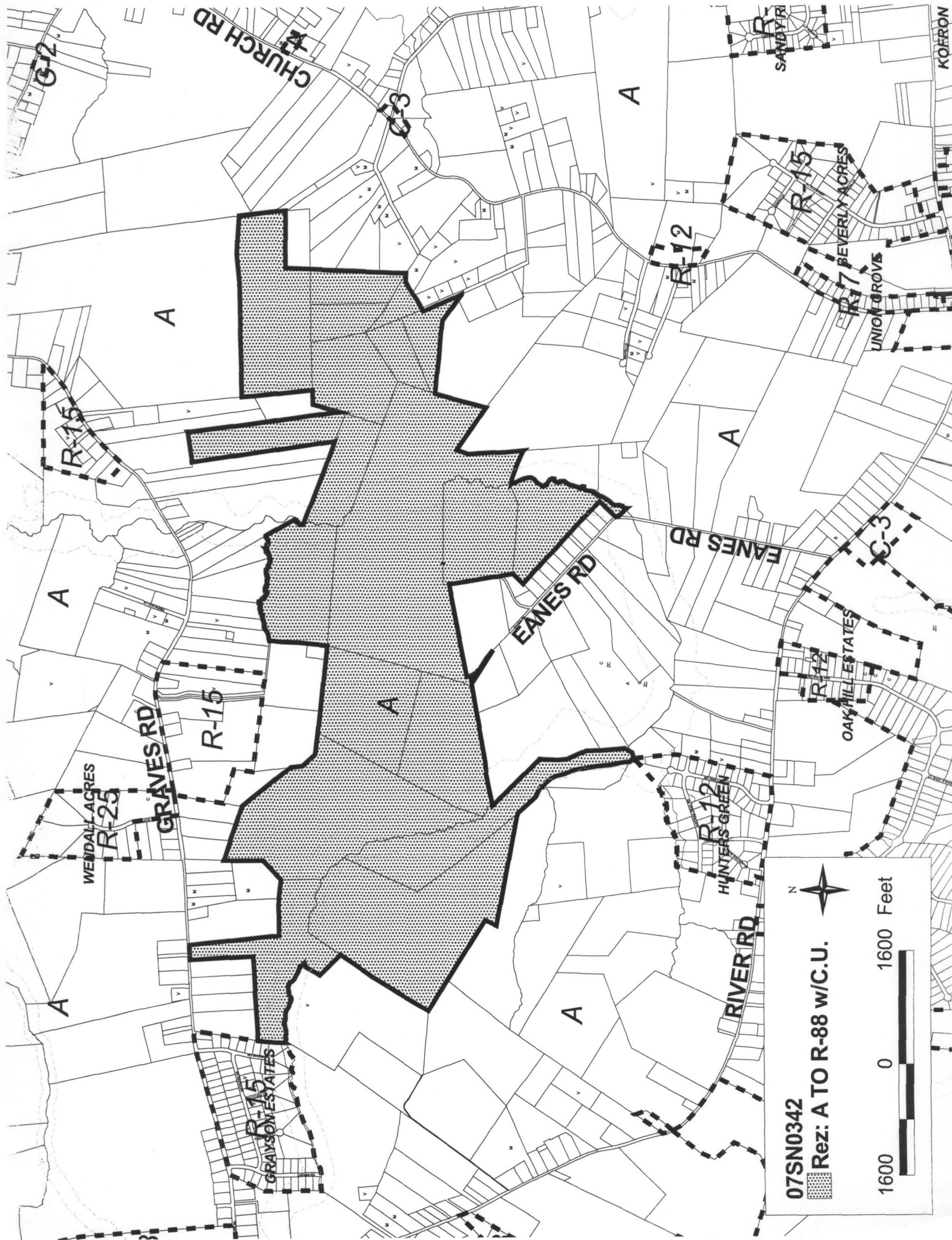
It should be noted that the Zoning Ordinance will require paving of any parking areas accommodating more than four (4) vehicles associated with the equestrian facilities.

#### CONCLUSIONS

The proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acres lots (suitable to Residential (R-88) zoning), and residential use of 1.01 to 2.5 dwelling units per acre. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

The proffered conditions for stock farms are consistent with those accepted on similar requests in the vicinity of existing and anticipated residential development and would lessen the potential that the stock farm will become a nuisance to area residents.

Given these considerations, approval of this request is recommended.

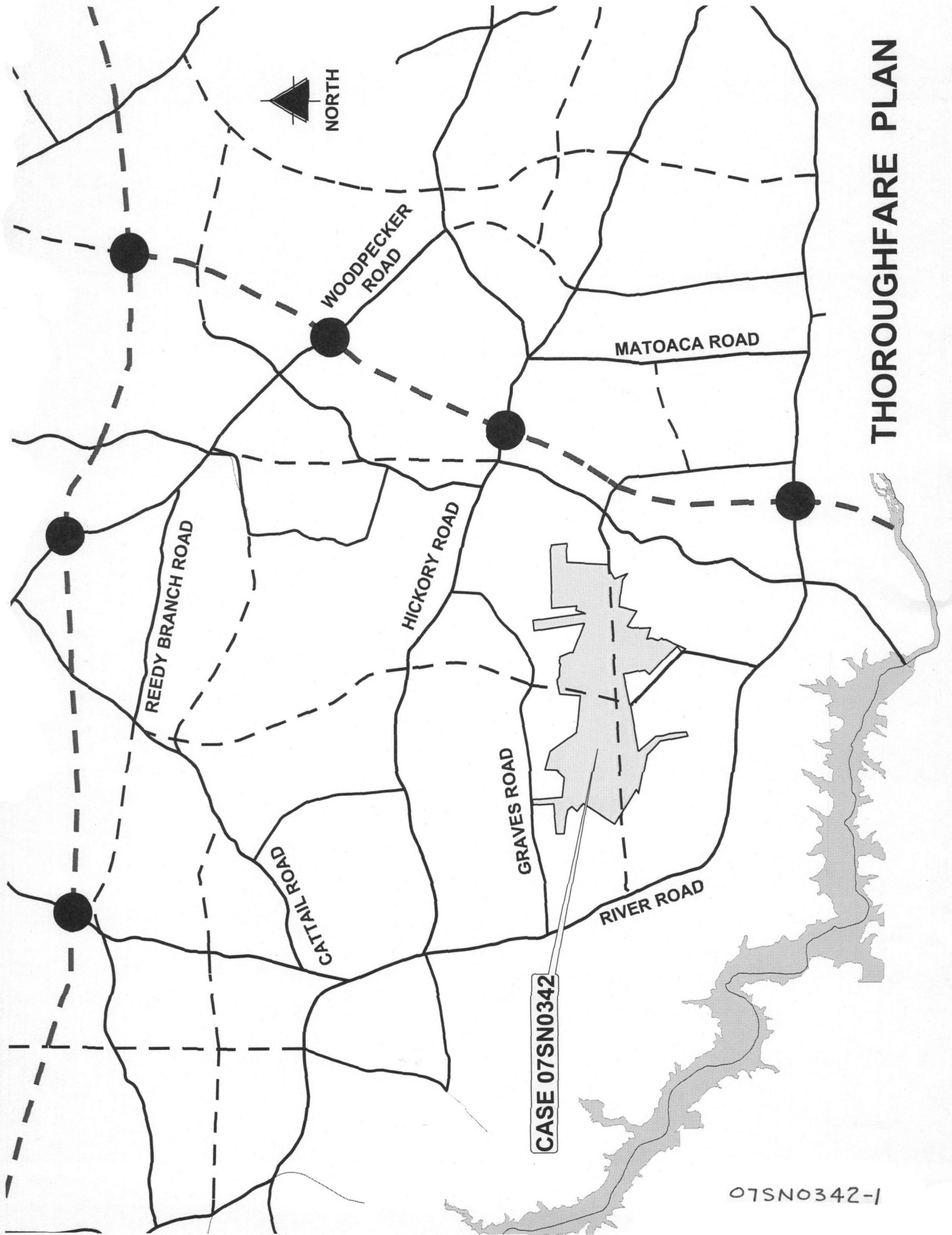


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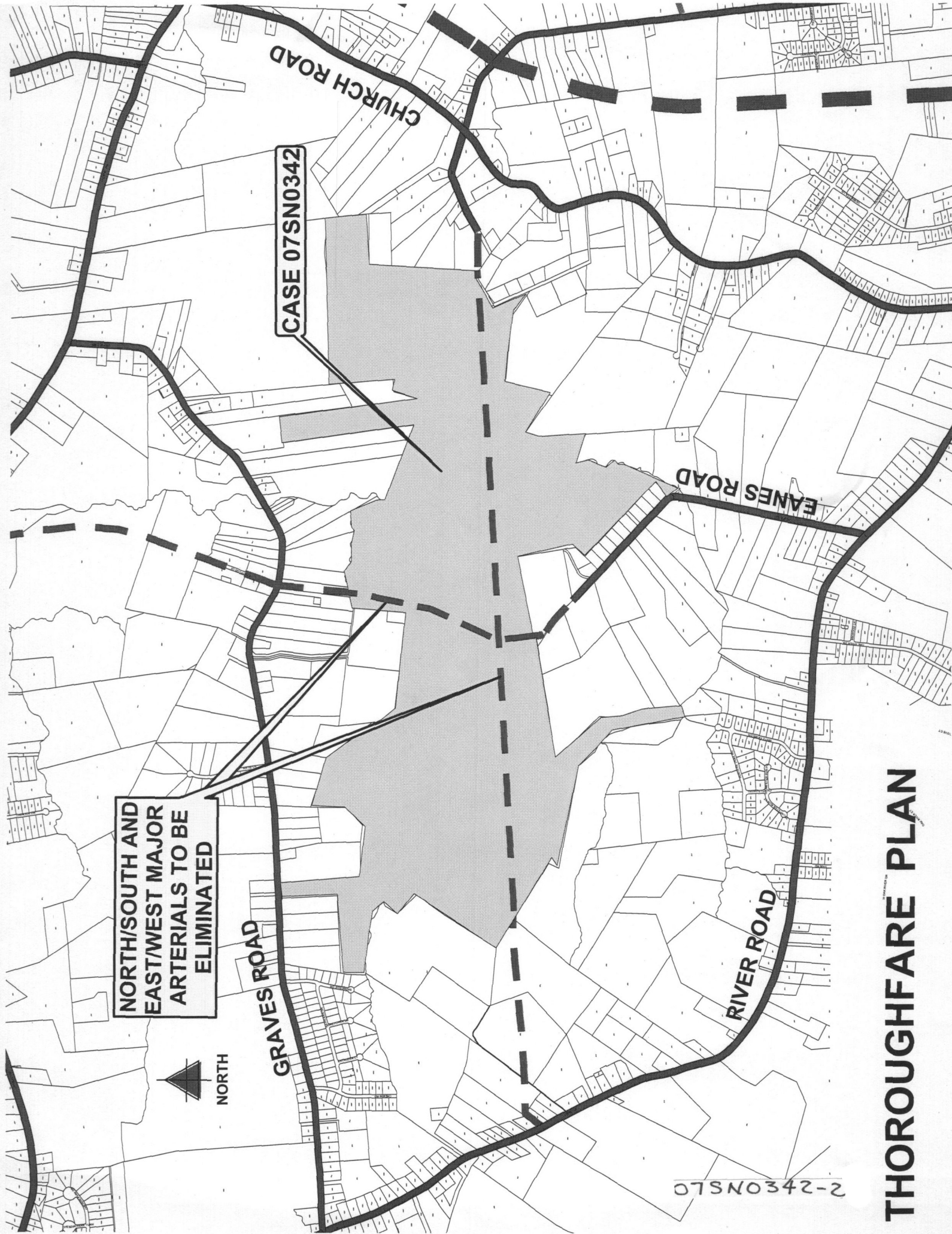


THOROUGHFARE PLAN

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# THOROUGHFARE PLAN